

Chapter 5

AMBULANCES*

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ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

Whenever used in this chapter the following terms shall be construed as set out herein:

Ambulance: Any motor vehicle that is specially designed or constructed, and equipped, and is intended to be used for and is maintained and operated for the transportation of patients.

Attendant: A trained qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.

Attendant-driver: A person who is qualified as an attendant and a driver.

Certificate: A certificate of public convenience and necessity issued by the city council under the provisions of this chapter, authorizing the holder thereof to conduct an ambulance service in the city.

Health officer: The director of health.

Patient: An individual who is sick, injured, wounded or otherwise incapacitated or helpless. (Code 1959, § 3.1-1)

Sec. 5-2. Exceptions.

No certificate or license shall be required for an ambulance or for the driver, attendant or attendant-driver of an ambulance which is:

(a) Rendering assistance in the case of a major catastrophe or emergency with which the certificated ambulances of the city are insufficient or unable to cope; or

(b) Is operated from a location or headquarters outside of the city in order to transport patients who are picked up beyond the city limits to locations within the city, but no such outside ambulance shall be used to pick up patients within the city for transportation to locations within the city unless the driver, attendant and attendant-driver and the person subject to the provisions of section 5-19 in respect of such ambulance, hold currently valid certificates and licenses issued pursuant to this chapter. (Code 1959, § 3.1-2(c))

Sec. 5-3. Standards for vehicles.

(a) Each ambulance shall, at all times when in use as such:

(1) Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;

***Cross references**—Fire department, § 19-16 et seq.; police, Ch. 31.

State law reference—Ambulances, Code of Virginia, § 32.1-111.14

(2) Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;

(3) Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety;

(4) Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed by law and in reasonable regulations, if any, promulgated by the city manager;

(5) Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided;

(6) Be equipped with two-way radio equipment in good working order; and

(7) Be manned by at least two (2) persons consisting of a driver and an attendant or driver-attendant and an attendant, unless otherwise ordered by a member of the medical profession.

(b) Each approved ambulance vehicle, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the director of health or his designated representatives during usual hours of operation.

(c) No official entry made upon a certificate may be defaced, removed or obliterated. (Code 1959, § 3.1-4)

Sec. 5-4. Standards for equipment.

(a) Required in each ambulance shall include, at all times when the ambulance is in use as such, equipment adequate in the judgment of the director of health for dressing wounds, splinting fractures, controlling hemorrhage and providing oxygen.

(b) The director of health is authorized and directed to promulgate regulations, after public notice and opportunity for public hearing, to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment, the director of health shall take into consideration the current list of minimal equipment for ambulances, adopted by the American College of Surgeons or its duly authorized Committee on Trauma. Each certificate holder for an ambulance shall comply with such reasonable regulations hereunder as may be promulgated by the director of health and shall maintain in each such ambulance, at all times when it is in use as such, all such equipment as may be prescribed by the director of health hereunder. (Code 1959, § 3.1-9)

Sec. 5-5. Reports.

(a) Within forty-eight (48) hours after transporting any patient within the city or from one place within the city to another place within or beyond its limits, the certificate holder hereunder shall file a written report with the director of health of the city upon such form as he may provide or prescribe, giving all information therein required and any other relevant information which such director of health may require. Such reports filed hereunder shall be for the sole and exclusive use of the director of health.

(b) The provisions of subsection (a) of this section shall apply with equal force in case such patient shall die before being so transported in such ambulance or dies while being transported therein or at any time prior to the acceptance of the patient into the responsibility of the hospital or medical or other authority if the patient is still under the care or responsibility of the ambulance. (Code 1959, § 3.1-14)

Sec. 5-6. Rates—Generally.

Effective on December 31, 2000, and for each year thereafter, unless otherwise changed by city council, the following rates for ambulance services shall apply:

(a) The rates to be charged for the transportation of a patient from one (1) point within the city to another point within the city on a non-emergency basis shall be at a base rate of one hundred seventy five dollars (\$175.00) per trip, and two hundred dollars (\$200.00) per trip when such transportation is conducted on an emergency basis; provided, however, that:

(1) In addition to the base charges provided in subsections (a), (b) and (c) of this section, there shall also be a charge of five dollars (\$5.00) for each mile the patient is transported.

(b) If multiple patients are transported in the same ambulance at the same time, the rate to be charged for each patient shall not be in excess of one-half (1/2) times the base rate prescribed herein for single patient transportation.

(c) Whenever a patient receives advanced life support procedure performed by the emergency medical services personnel, the rate shall be two hundred twenty five dollars (\$225.00) per patient, if provided on a non-emergency basis; two hundred fifty dollars (\$250.00) if provided on an emergency basis, and two hundred seventy five dollars (\$275.00) if provided on an emergency basis and three (3) or more different medications combined with at least one (1) specialized ALS procedure are administered. (Code 1959, § 3.1-15.1; Ord. of 12-13-77; Ord. No. O-82-093, § 1, 5-25-82, eff. 7-1-82; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-92-119, 4-28-92; Ord. No. O-93-082, 3-23-93, eff. 7-1-93; Ord. No. O-93-105, 4-27-93; Ord. No. O-94-318, eff. 1-1-95; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-96-140, 5-28-96; Ord. No. O-00-238, 11-14-00, eff. 12-1-00)

Sec. 5-6.1. Same—Un necessary calls.

Any person who without just cause therefor calls or summons, by telephone or otherwise, any ambulance shall pay the city a response and evaluation fee in the amount of one-half of the basic ambulance transport fee in order to reimburse the city for the expenses incurred by the city in responding to such summons. For the purposes of this section a person shall be deemed to have summonsed an ambulance without just cause if the person summoning ambulance transportation has made two (2) or more unfounded requests for assistance within the calendar year preceding the summons. Such fees shall be imposed on the third and all subsequent summonses. Whenever a person summonses an ambulance under circumstances where there was no reasonable basis for requesting ambulance transportation, the fee set forth shall be imposed for each request for an ambulance. (Ord. No. O-84-218, § 1, 9-11-84)

Sec. 5-7. Penalty.

Any person who shall violate any of the provisions of this chapter for which no other penalty is provided shall be deemed guilty of a class 2 misdemeanor, in addition to the revocation or suspension of such person's certificate or permit by the city manager or chief of police as provided for in this chapter. (Code 1959, § 3.1-16)

Secs. 5-8—5-18. Re served.

**ARTICLE II. CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY**

Sec. 5-19. Required.

No person, either as owner, agent or otherwise shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys or any public way or place of the city, unless he holds a current valid certificate of public convenience and necessity for such ambulance business or service issued by city council pursuant to the provisions of this article. (Code 1959, § 3.1-2(a))

Sec. 5-20. Application for ambulance certificate.

Applications for an ambulance certificate shall be made upon such forms as may be prepared or prescribed by the city manager and shall contain:

- (a) The name and address of the applicant and of the owner of the ambulance.
- (b) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business.
- (c) The training and experience of the applicant in the transportation and care of patients.
- (d) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance.
- (e) The location and descriptions of the place or places from which it is intended to operate.
- (f) Such other information as the city manager shall deem reasonably necessary to a fair determination of compliance with this chapter. (Code 1959, § 3.1-3)

Sec. 5-21. Liability insurance required.

(a) No ambulance certificate shall be issued under this article, nor shall such certificate be valid after issuance, nor shall any ambulance be operated in the city unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to business in the state, for each and every ambulance owned and/or operated by or for the holder of a certificate, providing for the payment of damages:

- (1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, and
- (2) For the loss of or damage to the property of another, including personal property, under like circumstances, in such sums and under such terms as may be required in regulations promulgated by the city manager.

(b) Said insurance policies shall be submitted to the city manager for approval prior to the issuance of each ambulance certificate. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the city manager, in such form as he may specify, by all certificate holders required to provide such insurance under the provisions of this article.

(c) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of said policy, recovered against any person other than the owner, his agent or employee, who may operate the same with the consent or acquiescence of the owner.

(d) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than fifteen (15) days written notice to the city manager and to the assured before any cancellation or termination thereof earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the certificate issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination. (Code 1959, § 3.1-5)

Sec. 5-22. Duties of city manager.

The city manager shall, within thirty (30) days after receipt of an application for an ambulance certificate as provided for herein, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations. If the city manager finds:

- (1) That the public convenience and necessity requires the proposed ambulance service;
- (2) That each such ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided for herein;
- (3) That the applicant is a responsible and proper person to conduct or work in the proposed business;
- (4) That only duly licensed drivers, attendants and attendant-drivers are employed in such capacities; and
- (5) That all the requirements of this chapter and all other applicable laws and ordinances have been met;

then the city manager shall recommend to the city council that the city council issue a certificate to the applicant; otherwise the city manager shall recommend to the city council that the application be denied. The city manager shall include a complete report of his findings in his recommendation to the council. The applicant and other certificate holders, if any, shall be given notice of the meeting of council when the report of the city manager will be considered. The decisions of the city council on the matter shall be final. (Code 1959, § 3.1-6)

Sec. 5-23. Inspections.

(a) Prior to the issuance of any ambulance certificates hereunder, the director of health shall cause to be inspected the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report to the city manager when he finds compliance with the standards prescribed in section 5-3(a) and in section 5-4 of this chapter, and with the regulations promulgated under such sections; provided, however, that under the terms of this chapter the director of health shall have no responsibility, and shall exercise no authority, in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

(b) Subsequent to issuance of an ambulance certificate hereunder; the director of health shall cause to be inspected each such licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary but in any event, not less frequently than twice each year, and he is required to reinspect each vehicle which has been repaired following an accident before it is placed back in service, and shall promptly report his findings in a written report to the city manager. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.

(c) A copy of each initial, semiannual or other ambulance, equipment and premises inspection report submitted by the director of health to the city manager under the provisions of this section shall be promptly transmitted to the holder of the certificate to whom it refers. (Code 1959, § 3.1-8)

Sec. 5-24. Is su an ce.

The certificate when issued, shall be filled out in duplicate and shall contain the name and address of the applicant, the number of vehicles authorized under the certificate and date of issuance. One copy shall be retained in the files of the city manager and the applicant shall receive the other copy. (Code 1959, § 3.1-7)

Sec. 5- 25. Du ra tion.

A certificate issued under the provisions of this article shall be effective until canceled and shall expire when the holder thereof fails for a period of thirty (30) days to operate an ambulance service within the city in accordance with such certificate. (Code 1959, § 3.1-7)

Sec. 5- 26. Trans fer.

A certificate issued under the provisions of this article shall not be transferable except upon the written consent of the city manager endorsed on any such certificate. (Code 1959, § 3.1-7)

Sec. 5- 27. Ter mi na tion of serv ice; bond.

At least ninety (90) days written notice to the city manager shall be required for a certificate holder to voluntarily cease operating or rendering of ambulance services in the city. In order to assure compliance with said requirement, each certificate holder shall prior to the issuance of a certificate to him be required to post bond in the amount of five hundred dollars (\$500.00), with proper surety to be approved by the city attorney, which amount shall be forfeited to the city for failure to comply with said notice requirements. (Code 1959, § 3.1-7)

Sec. 5- 28. Revo ca tion.

(a) The city manager may, and is hereby authorized to, suspend or revoke a certificate issued hereunder for failure of a certificate holder to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this chapter, or of regulations promulgated hereunder, or of any other applicable laws or ordinances or regulations promulgated thereunder, but only after warning and such reasonable time for compliance as may be set by the city manager. Within ten (10) days after a suspension, the certificate holder shall be afforded a hearing, after reasonable notice. The city manager shall, within ten (10) days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of said license. Such written decision shall be promptly transmitted to the licensee to whom it refers. An appeal from the decision of the city manager may be made to city council.

(b) The initial, semiannual or other ambulance, equipment and premises inspection reports of the director of health herein provided for shall be prima facie evidence of compliance or noncompliance with, or

violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder.

(c) Upon suspension, revocation or termination of an ambulance certificate hereunder, such ambulance shall cease operations as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation or termination of a driver's, attendant's or attendant-driver's permit hereunder, such driver, attendant or attendant-driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance. (Code 1959, § 3.1-13)

Secs. 5-29—5-38. Re served.

ARTICLE III. DRIVERS, ATTENDANTS

DIVISION 1. GENERALLY

Secs. 5-39—5-48. Re served.

DIVISION 2. PERMIT

Sec. 5-49. Re quired.

No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit an ambulance to be operated for such purposes, on the streets, alleys or any public way or place in the city unless such ambulance shall be under the immediate supervision and direction of a person who is holding a currently valid permit as an attendant-driver or attendant. (Code 1959, § 3.1-2(b))

Sec. 5-50. Ap p l i c a t i o n.

Applications for a driver's, attendant's and attendant-driver's permit hereunder shall be made upon such forms as may be prepared or prescribed by the chief of police and shall contain:

- (a) The applicant's full name, current residence, places of residence for three (3) years previous to moving to his present address, and length of time he has resided in the city.
- (b) The applicant's age, marital status, height, color of eyes and hair.
- (c) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.
- (d) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause.
- (e) Affidavits of good character from two (2) reputable citizens of the United States and residents of the city, who have personally known such applicant and observed his conduct during three (3) years next preceding the date of his application.
- (f) Two (2) recent photographs of the applicant, of a size designated by the chief of police, one of which shall be attached by the chief of police to the permit.
- (g) Such other information as the chief of police shall deem reasonably necessary to a fair determination of compliance with this chapter. (Code 1959, § 3.1-10)

Sec. 5-51. Investigation; issuance.

(a) The chief of police shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as he deems necessary to be made of the applicant for a driver's, attendant's or attendant-driver's permit.

(b) The chief of police shall issue a permit to a driver, attendant or attendant-driver when he finds that the applicant:

(1) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(2) Is able to speak, read and write the English language;

(3) Has been found by a duly licensed physician, upon examination attested to on a form provided by the director of health, to be of sound physique, possessing eyesight corrected to at least 20/40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and

(4) For each applicant for attendant or attendant-driver's permit, that such applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross or the United States Bureau of Mines. (Code 1959, § 3.1-11)

Sec. 5-52. Compliance with state requirements.

No person shall be issued a permit as a driver or attendant-driver until he shall comply with all state operators' and chauffeurs' licensing requirements. (Code 1959, § 3.1-11(b); Ord. of 2-23-75)

Sec. 5-53. Duration.

Each permit issued under the provisions of this division shall be valid for a period of three (3) years, unless earlier suspended, revoked or terminated. (Code 1959, § 3.1-11(b))

Sec. 5-54. Temporary permits.

Any person currently holding a license or permit issued by the state board of health as an attendant or attendant-driver and has held such license or permit for a period of ninety (90) days may be issued a temporary permit for a period of sixty (60) days, during which time such person must fully comply with the provisions of this division. (Code 1959, § 3.1-11(e); Ord. of 12-23-75)

Sec. 5-55. Transfer.

A permit as driver, attendant or attendant-driver issued under the provisions of this division shall not be assignable or transferable. (Code 1959, § 3.1-11(c))

Sec. 5-56. Defacing permit.

It shall be unlawful for any person to deface, remove or obliterate any official entry made upon a permit issued under the provisions of this division. (Code 1959, § 3.1-11(d))

Sec. 5-57. Renewal.

Renewal of any permit issued under the provisions of this division, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this chapter. (Code 1959, § 3.1-12)